

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 3, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR10-336. Terry Montez Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Remanded. Glover and Baker, JJ., agree.

CA10-289. Megan Ann Stouffer Brothers v. Robert Brian Stouffer, Cindy Blasingame, and minor child, from Sebastian Circuit, Fort Smith District. Affirmed. Glover and Baker, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR10-374. Dan Simpkins, Jr. v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Gladwin and Kinard, JJ., agree.

CA09-1320. Greg Prock v. Bull Shoals Landing, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Hart, J., agrees. Vaught, C.J., concurs.

CA10-434. Heather Taylor and Sid Taylor v. Arkansas Department of Human Services, from Pulaski Circuit, Eleventh Division. Appeal dismissed. Vaught, C.J., and Hart, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-291. Michael Cook v. State of Arkansas, from Lonoke Circuit. Reversed and dismissed. Robbins, J., agrees. Gruber, J., concurs.

CACR10-395. James Lee Foley v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Robbins and Gruber, JJ., agree.

CA09-1256. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Danny W. Sells, from Pulaski Circuit, Thirteenth Division. Reversed and remanded. Gruber and Baker, JJ., agree. Pittman, J., concurs. Vaught, C.J., and Henry, J., dissent.

E10-10. Deborah D. Bergman v. Director, Department of Workforce Services and Randolph County Nursing Home, from the Board of Review. Affirmed. Robbins and Gruber, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-433. Joey Rhoades v. State of Arkansas, from Saline Circuit. Affirmed. Pittman and Kinard, JJ., agree.

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CA09-861. Mike Nobles v. Robbyn Tumey, from Sebastian Circuit, Fort Smith District. Affirmed in part; reversed and remanded in part. Pittman and Kinard, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR10-204. Kevin Gettridge v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Gruber, JJ., agree.

CA10-281. Michael Wadley v. Elizabeth Mae Wadley, from White Circuit. Dismissed on direct appeal and on cross-appeal. Hart and Gruber, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR10-226. Archie Lorenzo Ross, Jr. v. State of Arkansas, from Crittenden Circuit. Affirmed. Pittman and Gladwin, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR10-262. Deanna Lynn Goforth v. State of Arkansas, from Saline Circuit. Affirmed. Hart and Robbins, JJ., agree.

CA10-319. Michelle Reichardt, individually and as administrator of the Estate of Ashley Tosh, deceased v. Anthony Creasey, from Independence Circuit. Affirmed. Robbins, J., agrees.
Hart, J., concurs.

CA10-350. David Rios, Jr. v. State of Arkansas, from Carroll Circuit, Eastern District. Affirmed. Hart and Robbins, JJ., agree.

DAVID M. GLOVER, JUDGE

CACR10-183. Todd T. Debriyn v. State of Arkansas, from Washington Circuit. Affirmed. Vaught, C.J., and Baker, J., agree.

CA10-556. Kathryn Edwards v. Arkansas Department of Human Services and minor child, from Benton Circuit. Affirmed. Vaught, C.J., and Baker, J., agree.

RAYMOND R. ABRAMSON, JUDGE:

CACR10-187. Tracy Parks v. State of Arkansas, from Greene Circuit. Affirmed. Henry and Brown, JJ., agree.

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CA10-388. Wendy K. Gibson v. Brian T. Gibson, from Benton Circuit. Affirmed. Henry and Brown, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit. Rebriefing ordered. Abramson and Brown, JJ., agree.

CA10-294. Robert O. Shafer, Jr. v. Estate of Robert O. Shafer, Sr., from White Circuit. Affirmed. Abramson and Brown, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR10-564. Robert Neal v. State of Arkansas, from Jefferson Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

CA09-1150. PC Scale, Inc., and Transcomp Systems, Inc. v. Roll Off Services, Inc., from Benton Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

WAYMOND M. BROWN, JUDGE:

CA10-323. Teresa Jenkins v. It's Fashion and Hartford Insurance Company of the Midwest, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Henry, JJ., agree.

CA10-520. Khadya Smith v. Arkansas Department of Human Services and minor children, from Phillips Circuit. Affirmed. Abramson and Henry, JJ., agree.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for Rehearing were denied today in the following cases.

CA09-704. Estate of Helen Virginia Coan v. Michael P. Gaughan, from Ouachita Circuit. Robbins, Henry, and Brown, JJ., would grant.

CA09-1124. Dr. Marc Rogers v. Alan Sargent, from Garland Circuit.

CACR09-1158. James Louis Cannon v. State of Arkansas, from Randolph Circuit. Motion of C. Scott Nance for attorney's fees is granted. Allowed \$1,400.00.

CACR10-35. Blake D. Burrow v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,200.00.

CACR10-65. Nicholas Tarkington v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

CACR10-118. Matthew Ray Beckman v. State of Arkansas, from Benton Circuit. Motion of Adam H. Butler for attorney's fees is granted. Allowed \$1,400.00.

CACR10-383. Jeffery Garcia v. State of Arkansas, from Saline Circuit. Appellant's motion for leave not to copy State's Exhibit 31 in the addendum and for brief time. Appellant granted leave for Attorney General to copy State's Exhibit 31. Appellant's brief due fifteen days after copying is completed.

CACR10-588. Jamie Leigh Jones v. State of Arkansas, from Washington Circuit. Appellant's motion to file belated reply brief is granted. Reply brief due within fifteen days.

CACR10-1037. Theodis Mitchell, Jr. v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Jeffery H. Kearney to be relieved and for substitution of William M. Howard, Jr. as counsel for appellant is granted.

CACR10-1065. Charles Alvin Boatright v. State of Arkansas, from Madison Circuit. Appellant's motion to seal the record is granted.

CA09-1297. R.R. v. State of Arkansas, from Faulkner Circuit. Motion of Brett D. Watson for attorney's fees is granted. Allowed \$1,400.00.

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PER CURIAM ORDERS

CA09-1299. C.M. v. State of Arkansas, from Faulkner Circuit. Motion of Gary J. Barrett for attorney's fees is granted. Allowed \$1,400.00.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for relief from order and review of order is denied. Hart, Kinard, and Baker, JJ., would remand to the trial court to settle the record.

CA10-689. Sheila Myers et al. v. Cooper Clinic, P.A., from Sebastian Circuit, Fort Smith District. Appellants' motion for extension of brief time pending outcome of motion for reconsideration of dismissal of appeal as to Appellee Pathology Services Laboratory, P.A., is granted. Appellants' brief due December 3, 2010.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CACR09-1296. Donald Ray Mathis v. State of Arkansas, from Union Circuit.

CACR10-16. Joe A. Newman v. State of Arkansas, from Jefferson Circuit.

CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Ronald L. Davis, Jr. for entry as counsel.

CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion to reinvest jurisdiction in the trial court.

CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion to reinstate appeal and file belated brief.

CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for belated filing of supplemental record.

CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for waiver of addendum obligation.

CACR10-48. Robert William Fischer, Jr. v. State of Arkansas, from Benton Circuit. Appellant's pro se motion to require the State to preserve all evidence.

CACR10-91. Rodney Ray Hall v. State of Arkansas, from Randolph Circuit. Motion of C. Scott Nance for attorney's fees.

CACR10-414. Kiara Smith v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.

CACR10-590. James Robert Lowe v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to file supplemental brief.

CACR10-722. Chasmun F. Miller v. State of Arkansas, from Union Circuit. Appellee's motion to remand to correct the record and to stay brief time.

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MOTIONS SUBMITTED

CACR10-723. Chasmun F. Miller v. State of Arkansas, from Union Circuit. Appellee's motion to remand to correct the record and to stay brief time.

CACR10-961. George David Reed v. State of Arkansas, from Benton Circuit. Motion of W. H. Taylor to withdraw as counsel for appellant.

CACR10-980. Robert Joseph Moten v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Dennis R. Molock to withdraw as counsel, for appointment of counsel and to stay brief time.

CACR10-1013. Damon Jackson v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellant's pro se motion for appointment of counsel .

CACR10-1091. Chariell Ali Glaze v. State of Arkansas, from Faulkner Circuit. Motion of Boyd Tackett, Jr. to be relieved and for appointment of Caroline Winningham as counsel for appellant.

CA09-1374. Darla Jackson v. Tanya Gonzales et al., from Carroll Circuit, Western District. Appellant's motion for taxation of costs.

CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellant's motion to dismiss appellee's cross-appeal and for sanctions.

CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellee's voluntary motion to dismiss appellee's cross-appeal without prejudice.

CA10-406. Rhodis L. Smith, Sr. v. Hershel Lovelace and Venita Lovelace, from Pulaski Circuit, Ninth Division. Appellant's pro se motion to expedite, advance, and reverse.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal.

CA10-774. Sue Gregory v. State of Arkansas, from Marion Circuit. Appellant's motion to file belated reply brief.

CA10-1010. Latroy Hamilton v. Office of Child Support Enforcement, from Ouachita Circuit. Appellant's motion to supplement the record and for additional brief time.

CA10-1049. Progreen Sport Surfaces, LLC v. Lasiter Construction, Inc., from Pulaski

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Circuit, Third Division. Joint motion to rely on briefs previously submitted in CA08-1133.

CA10-1073. Erika Lynn Jordan v. Arkansas Department of Human Services, from Conway Circuit. Appellant's motion to correct the record, strike extraneous and irrelevant material, and to stay brief time.

E10-109. Paulette Briggs v. Director et al., from Board of Review. Appellant's pro se motion to consider evidence.

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- CACR10-158. Eric Lavell Murry v. State of Arkansas, from Crittenden Circuit.
- CACR10-168. Ismael Garduno-Trejo v. State of Arkansas, from Benton Circuit.
- CACR10-574. Edward Tom Gazaway, Jr. v. State of Arkansas, from Cleburne Circuit.
- CACR10-577. Lesa Diane Menne v. State of Arkansas, from Lawrence Circuit.
- CA09-931. Kristin N. Kuelbs et al. v. Kimberly Hill, from Garland Circuit.
- CA09-988. Cindy Gilbow, administratrix of the Estate of Dub Sacridier v. Fraser M. Richards, M.D., from Craighead Circuit, Western District.
- CA09-1234. Yolanda Owens v. Arkansas Department of Human Services, from Union Circuit.
- CA10-25. Ralph Hall et al. v. City of Bryant, from Saline Circuit.
- CA10-27. Alan Sargent v. Dr. William Springer, from Garland Circuit.
- CA10-172. Lawrence Young, as personal representative of the Estate of Virginia Castleberry, deceased v. Oumitana Kajkenova, M.D., from Pulaski Circuit, Third Division.
- CA10-220. Dardanelle & Russellville Railroad v. Certain Underwriters at Lloyd's, London, from Pope Circuit.
- CA10-517. Westwood Health & Rehabilitation, Inc. et al. v. Steven Diddle, from Workers' Compensation Commission.
- CA10-546. Evlynene Kirkendolph v. Department of Finance and Administration, from Workers' Compensation Commission.
- CA10-685. Michael Pine, Sr., and Lisa Hoffman v. Arkansas Department of Human Services, from Washington Circuit.
- CA10-686. Joseph Allen Henry v. Arkansas Department of Human Services, from Benton Circuit.

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CA10-687. Jamie R. Mahone v. Arkansas Department of Human Services, from Washington Circuit.

CA10-783. Tiffany Vance and Alex Shane Boryschtsck III v. Arkansas Department of Human Services, from Pulaski Circuit, Eleventh Division.